

ELECTIONS

44.3.2002

Subchapter 20

Voter Registration

44.3.2001 VOTER REGISTRATION VERIFICATION (1) Consistent with 13-2-109, 13-2-110, 13-2-205, 13-2-207, and 13-2-304, MCA, the rules in this subchapter shall be used to determine whether information provided is sufficient to be accepted and processed, for verifying accuracy, establishing procedures for provisional and legal registration and effect on ID requirements, and notifying electors of their status. (History: 13-2-109, MCA; IMP, 13-2-109, MCA; NEW, 2004 MAR p. 93, Eff. 1/16/04; AMD, 2006 MAR p. 2671, Eff. 10/27/06.)

44.3.2002 DEFINITIONS As used in this subchapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Current address" means residence address or mailing address. For the purposes of this subchapter, an address is presumed to be current unless proved otherwise.

(2) "Driver's license number" means a number provided by the Montana Motor Vehicle Division on either a Montana Motor Vehicle Division driver's license or a Montana Motor Vehicle Division identification card.

(3) "Election official" means an election administrator, election deputy, or election judge.

(4) "Election worker" means an individual designated to perform election support duties.

(5) "Elector" means an individual qualified to vote under state law.

(6) "Identification" for the purposes of registration means any of the following:

(a) current and valid photo identification including, but not limited to, a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification with the individual's name; or

(b) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(c) For the purposes of this subchapter, identification is presumed to be current and valid unless proved otherwise. A driver's license or identification card is presumed to be current and valid if it is issued by any motor vehicle agency, regardless of its status. Any other photo identification is sufficient if it includes the name and photo of the individual.

(7) "Notice by the most expedient method available" means notification that shall occur by any of the following, at the discretion of the election administrator:

(a) telephone;

(b) mail;

(c) facsimile machine;

(d) in person; or

(e) e-mail or other electronic means. (History: 13-2-109, MCA; IMP, 13-2-110, MCA; NEW, 2004 MAR p. 93, Eff. 1/16/04.)

13-2-109. Rulemaking on sufficiency and verification of voter registration information. (1) The secretary of state shall adopt rules:

- (a) to implement the provisions of 13-2-110 and this section concerning how election administrators determine whether the information provided by an elector on an application for voter registration is:
 - (i) sufficient to be accepted and processed; or
 - (ii) insufficient to be accepted and processed;
 - (b) establishing procedures for verifying the accuracy of voter registration information;
 - (c) establishing standards for determining whether an elector may be legally registered or provisionally registered and the effect of that registration on identification requirements; and
 - (d) establishing procedures for notifying electors about the status of their applications and registration.
- (2) The rules may not conflict with 42 U.S.C. 15301, et seq., or 13-2-208.

History: En. Sec. 6, Ch. 475, L. 2003.

Compiler's Comments:

Effective Date: Section 46, Ch. 475, L. 2003, provided that this section is effective January 1, 2004.

13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes. (1) An individual may apply for voter registration in person or by mail by completing and signing an application for voter registration and providing the application to the election administrator in the county in which the elector resides.

(2) An individual applying by mail shall send the application to the election administrator, postage paid, no later than 15 days after the date it is signed.

(3) Each application for voter registration must be accepted and processed as provided in rules adopted under 13-2-109.

(4) Except as provided in subsection (5):

(a) an applicant for voter registration shall provide the applicant's driver's license number; or

(b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the applicant's social security number.

(5) If an applicant does not have a driver's license or social security number:

(a) an applicant appearing in person before the election administrator shall provide:

(i) current and valid photo identification, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, with the individual's name; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) an applicant applying by mail to register shall also enclose a copy of:

(i) a current and valid photo identification, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, with the individual's name; or

(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(6) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

(7) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under 13-2-109.

(8) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided for in federal law.

13-2-205. Procedure when prospective elector not qualified at time of registration. An individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may apply for voter registration pursuant to 13-2-110 and be registered subject to verification procedures established pursuant to 13-2-109.